

**National Environmental
Laboratory Accreditation
Conference**

CONSTITUTION AND BYLAWS

PROPOSED

January 13, 1999

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N O T E: Additions (double-underlined) and ~~deletions~~ (struck through) to the approved standards being considered by the Constitution and Bylaws Committee for vote at the next Annual Meeting are marked as in this note.

CONSTITUTION

ARTICLE I - GENERAL

This organization shall be known as "The National Environmental Laboratory Accreditation Conference" (NELAC) and is sponsored by the United States Environmental Protection Agency (EPA) as a voluntary association of State and federal Officials. The purpose of the organization is to foster the generation of environmental laboratory data of known and documented quality through the development of national performance standards for environmental laboratories and other entities directly involved in the environmental field measurement and sampling process.¹

ARTICLE II - OBJECTIVES

The objectives of the National Environmental Laboratory Accreditation Conference are:

A. Forum

To provide a national forum for the discussion of all questions related to standards for accreditation of laboratories and other entities directly involved in the environmental field measurement and sampling process.

B. Mechanism

To provide a mechanism to establish policy and coordinate activities within NELAC on matters of national and international significance pertaining to standards for accreditation of environmental laboratories and other entities directly involved in the environmental field measurement and sampling process.

C. Consensus

To develop a consensus on uniform standards for laboratory accreditation and implementation of those standards by the accrediting authorities.

D. Uniformity

To encourage and promote uniform standards of quality for assessment and accreditation requirements among the various accrediting authorities.

E. Cooperation

To foster cooperation among environmental laboratory accrediting authorities and regulatory officials, and between them and other entities directly involved in the environmental field measurement and sampling process.

¹ "The Constitution and Bylaws shall be reviewed at a later date to accommodate the unique characteristics of the GLP program, taking into consideration the recommendations of the Environmental Laboratory Advisory Board."

ARTICLE III - PARTICIPATION

Participants consist of two categories:

Voting Membership is limited to officials who are in the employ of the Government of the United States, and the States, the Territories, the Possessions of the United States, or the District of Columbia and who are actively engaged in environmental regulatory programs or accreditation of environmental laboratories.

Contributors include representatives of laboratories, manufacturers, industry, business, consumers, academia, laboratory associations, industrial associations, laboratory accreditation associations, counties, municipalities, and other political subdivisions of States, Territories and Possessions of the United States, other federal officials not engaged in environmental activities, and other persons who are interested in the objectives and activities of NELAC.

ARTICLE IV - OFFICERS

SECTION 1 - *EX OFFICIO* OFFICERS

A. Director

The Director of the EPA National Environmental Laboratory Accreditation Program is the *ex officio* Director of NELAC.

B. Executive Secretary

The Executive Secretary is an employee of EPA who is conversant with laboratory accreditation. She/he serves NELAC and its Board of Directors.

SECTION 2 - ELECTIVE OFFICERS

The Elective officers of NELAC shall be:

Chair,
Chair - Elect,
Immediate Past-Chair, and
6 members-at-large to serve on the NELAC Board of Directors.

The consecutive reelection of a Chair-Elect is prohibited; the Chair-Elect shall not serve on any committee other than the Board of Directors. Should the Chair-Elect for any reason be unable or unwilling to be installed as Chair, his/her successor shall be elected in the manner prescribed below. In this event, the newly elected Chair-Elect shall be installed as Chair.

A. Eligibility

1. Any Voting Member in good standing shall be eligible to hold any office provided that the individual meets the other requirements set forth in the Constitution and Bylaws.
2. Only a State official is eligible for election to Chair-Elect.

B. Nominations and Elections

1. Nominating Committee

The Chair shall appoint a Nominating Committee consisting of the most recent active Past Chair as Committee Chair, four (4) Voting Members, to be geographically representative insofar as possible, and five (5) Contributors.

2. Nominations

- a. The Nominating Committee shall submit one name for each elective office and present its recommendation to NELAC.
- b. Additional nominations for officers may be made from the floor by any Voting Member at the Annual Meeting provided that prior consent of the nominee has been obtained in writing and presented to the presiding officer at the time of the nomination.

3. Elections

Officers shall be elected during a designated session of the Annual Meeting by a formal recorded vote of the Voting Members in attendance and eligible to vote on NELAC motions.

4. Terms of Office

- a. The Chair, Chair-Elect, and Past Chair, shall serve for a term of one year or until their successors are respectively qualified and elected or appointed. After serving one year as Chair-Elect, the incumbent shall succeed to the office of NELAC Chair.
- b. The six Board of Directors members-at-large shall serve for 3-year terms; two elected each year.
- c. All officers shall take office immediately following the close of the Annual Meeting at which they were elected.

5. Filling Vacancies

In case of a vacancy in any of the elective offices, the Board of Directors shall fill the office by appointment.

The term of this appointment shall be until the date of the next Annual Meeting, at which time the Voting Members vote to confirm the appointment or elect a candidate to fill the remaining time in the initial term that was vacated.

ARTICLE V - APPOINTIVE OFFICIALS

SECTION 1 - OFFICIALS, SPECIFIC

A. Appointment

The NELAC Chair shall appoint the Parliamentarian and other officials as needed to conduct activities not covered by elected officials.

B. Assumption of Office

All appointive officials shall take office immediately following appointment and shall serve through the subsequent Annual Meeting of NELAC unless otherwise requested by the NELAC Chair, or specified in the Constitution or Bylaws.

ARTICLE VI - MEETINGS OF NELAC

A. Annual Meeting

An Annual Meeting shall be held. The agenda for this meeting shall include the election of officers, reports from the various committees, task forces, and study groups, other items pertinent to NELAC, and presentation to the Voting Membership of pending issues requiring action by vote.

The Annual Meeting may include the presentation of technical papers, discussions, displays, or other events at the discretion of the Board of Directors.

B. Interim Meeting

The Interim Meeting of the Board of Directors and those Standing Committees designated by the Chair shall be held annually, approximately six months prior to the Annual Meeting to develop the agenda and committee recommendations for presentation and action at the Annual Meeting. Draft resolutions and standards regarding environmental laboratory accreditation shall be discussed and modified as appropriate in the Interim Meeting.

C. Special Meetings

1. The NELAC Chair is authorized to call a meeting of the Board of Directors at any time deemed necessary by the Chair to be in the best interest of NELAC.
2. Committees of NELAC are authorized to hold meetings at times other than the Annual Meeting or Interim Meeting.

D. Rules of Order

The rules contained in the latest version of Robert's Rules of Order shall govern NELAC in all cases to which they are applicable, and in which they are not inconsistent with the Constitution or Bylaws or special rules of NELAC.

ARTICLE VII - AMENDMENTS TO THE CONSTITUTION

This Constitution may be amended, added to, or repealed at any Annual Meeting under normal NELAC procedures. However, proposed changes must be included in the agenda of the Board of Directors for the preceding Interim Meeting, published in the Recommendations of the Board of Directors in its report, and discussed at the general session of the Board of Directors at the Annual Meeting at which said changes shall be voted upon.

Amendments to the Constitution must be approved by a minimum of a two-thirds vote of the Voting Members in attendance at the Annual Meeting in both the House of Representatives and the House of Delegates.

ARTICLE VIII - BYLAWS

SECTION 1 - SUPPLEMENTATION OF CONSTITUTION

This Constitution shall be supplemented by Bylaws which shall detail the methods of operation of NELAC. Such Bylaws shall not be inconsistent with the provisions of the Constitution.

SECTION 2 - AMENDMENTS AND REPEALS OF THE BYLAWS

The Bylaws may be amended, added to, or repealed at any Annual Meeting under normal NELAC procedures. However, proposed changes must be included in the agenda of the Board of Directors for the Interim Meeting, published in the Recommendations of the Board of Directors in its Tentative Report, and discussed at the general session of the Board of Directors at the Annual Meeting at which said changes shall be voted upon.

Amendments to the Bylaws must be approved by a majority vote of the Voting Members in attendance at the Annual Meeting in both the House of Representatives and the House of Delegates.

SECTION 3 - RENUMBERING

The Executive Secretary is authorized to renumber the Articles and Sections of the Constitution or Bylaws to accommodate any changes made.

BYLAWS

ARTICLE I - APPLICATION FOR PARTICIPATION

SECTION 1 - FORM OF APPLICATION

A completed registration form for the Annual Meeting of the National Environmental Laboratory Accreditation Conference (NELAC) shall serve as the application for participation in NELAC.

ARTICLE II - PARTICIPANTS' RECORDS

SECTION 1 - TERM OF PARTICIPATION

Registration for NELAC participation shall be prior to the Annual Meeting each year and shall cover the period from the beginning of one Annual Meeting to the beginning of the next Annual Meeting.

SECTION 2 - EVIDENCE OF VOTING MEMBERSHIP

Reserved.

ARTICLE III - USE OF THE INSIGNIA

The insignia of NELAC may be used or displayed only for official publications, announcements, and documents of NELAC unless expressly authorized in writing by the Board of Directors of NELAC.

ARTICLE IV - BOARD OF DIRECTORS

SECTION 1 - MEMBERSHIP

- A. The Board of Directors consists of the Director, Executive Secretary, Chair of NELAC, Chair-Elect, the most recent still active Past Chair of NELAC, and the six at-large-members.
- B. The Nominating Committee in recommending candidates for the Board of Directors shall consider geographic and organizational representation.
- C. The term of the Board of Directors begins with the adjournment of the Annual Meeting at which its members are elected or appointed. Six of the Board of Directors are members-at-large with three-year terms.

SECTION 2 - DUTIES

- A. The Board of Directors has leadership responsibility for NELAC and is charged with guiding NELAC in its primary mission of establishing standards for the accreditation of environmental laboratories.
- B. It establishes administrative procedures and policy on internal matters and serves as the policy and coordinating body in matters of national and international significance.
- C. It holds accountable, reviews, and approves actions of all Committees.
- D. It utilizes the Standing Committees to resolve technical criteria issues regarding laboratory accreditation.
- E. It acts for NELAC in all routine or emergency situations.

- F. It authorizes interim meetings of NELAC Committees as necessary.
- G. It fills any vacancy in any elective office of NELAC occurring during the term of office.
- H. It brings recommendations to NELAC for consideration and action as appropriate.
- I. It annually reviews the work of committees and task forces to assure that the concerns of the various constituencies are being addressed.

ARTICLE V - DUTIES OF THE OFFICERS

SECTION 1 - CHAIR

The NELAC Chair is the presiding officer at the meetings of NELAC and of the Board of Directors, makes appointments to the several Standing and Administrative Committees, and appoints other NELAC officials to perform functions not covered by elected offices to serve during his or her term of office.

SECTION 2 - CHAIR-ELECT

The Chair-Elect shall:

- A. serve as acting Chair of NELAC and the Board of Directors in the event that the Chair is unable to carry out the duties of that office;
- B. perform other duties assigned by the NELAC Chair, including presiding over sessions of the meetings of NELAC as assigned by the NELAC Chair and assisting the Chair in the discharge of his or her duties; and
- C. serve on the Board of Directors.

SECTION 3 - PAST CHAIR

The most recent still-active Past Chair shall serve on the Board of Directors, serve as Chair of the Nominating Committee, and perform such duties as may be assigned by the NELAC Chair. The NELAC Past Chair may preside over sessions of the meetings of NELAC as assigned by the NELAC Chair and assist the Chair in the discharge of his or her duties.

SECTION 4 - DIRECTOR

The Director coordinates all laboratory accreditation activities within EPA for purposes of establishing a single uniform environmental laboratory accreditation system. The Director serves as the link with EPA and other federal department/agency policy makers, those responsible for implementation of the National Environmental Laboratory Accreditation Program, the NELAC Board of Directors, the Environmental Laboratory Advisory Board, and the Accrediting Authority Review Board. The Director serves on the Board of Directors as an *ex officio* member and is responsible for the appointment and support of an Executive Secretary to the Board of Directors.

SECTION 5 - EXECUTIVE SECRETARY

The Executive Secretary acts as the executive officer of NELAC, as an *ex officio* member, secretary and executive officer of the Board of Directors, and the non-voting secretary to each standing committee; certifies eligible voters and records the vote of NELAC; keeps the records of the proceedings of the meetings, and manages NELAC administration as prescribed in its administrative procedures.

SECTION 6 - PARLIAMENTARIAN

The Parliamentarian shall, when requested by the Chair, help in resolving procedural matters at meetings of NELAC. The parliamentarian shall use the latest edition of Robert's Rules of Order and any special rules adopted by NELAC.

ARTICLE VI - COMMITTEES

SECTION 1 - GENERAL

Except as otherwise provided, each Administrative and Standing Committee shall consist of ten participants, five Voting Members and five Contributors who may not vote. All participants are appointed by the Chair of NELAC to serve staggered terms on a rotating basis or until a successor is appointed.

Except for the Nominating Committee, each committee annually selects one of its Voting Members to serve as its chair, who may succeed himself or herself.

When necessary, an appointment shall be made to any of the standing or administrative committees to fill any vacancy for the unexpired portion of the participant's term.

SECTION 2 - ADMINISTRATIVE COMMITTEES

A. Terms

1. Conference Management Committee. The term of service shall be three years; two Voting Members and two Contributors shall be appointed each of two years and one Voting Member and one Contributor the third year.
2. Nominating Committee. The chair is the NELAC Past Chair. Four Voting Members and five Contributors shall be appointed annually to serve one year.
3. Membership and Outreach Committee. The term of service shall be three years. Two Voting Members and two Contributors shall be appointed in each of two years and one Voting Member and one Contributor shall be appointed in the third year.

B. Duties

1. Conference Management Committee. This committee recommends to the Board of Directors the places and dates of each Annual and Interim Meeting of NELAC; and advises and assists the Executive Secretary with the logistic details of the Interim and Annual meetings and with preparing publications for the Annual and Interim Meetings.
2. Nominating Committee. This committee presents a slate of nominees for all elective offices at the Annual Meeting. The names and qualifications of these nominees shall appear in the report of the Nominating Committee and be published in the Annual Meeting announcement.
3. Membership and Outreach Committee. This committee:
 - a. initiates Voting Member invitations for membership in the House of Representatives and maintains an active roster, publicizes NELAC to prospective participants, coordinates and resolves participants' concerns and establishes credentialing criteria for and reviews the credentials resolves credentialing conflicts of Voting Members.

- b. solicits and develops informational materials to promote understanding and appreciation of the importance of ~~consistent standards for environmental sampling and analysis in fostering quality data on which to base responsible public and environmental health decisions~~ the NELAC objectives.
- c. promotes a spirit of cooperation and timely dialogue among NELAC, other organizations, the private sector and federal agencies.

SECTION 3 - STANDING COMMITTEES

A. Terms

Standing Committee participants serve staggered five year terms, one Voting Member and one Contributor being appointed annually.

B. Duties

1. Program Policy and Structure Committee. This committee generates the Constitution and Bylaws of NELAC, and interprets the intent and meaning of the Constitution and Bylaws, presents amendments, proposes changes in organizational structure, and defines roles and responsibilities as appropriate, for approval of the participants. This committee develops modifications to the scope, structure, and requirements to the tiers and fields of testing.
2. The Accrediting Authority Committee. This committee develops the standards for use by EPA to oversee compliance by State and federal accrediting authorities with NELAC standards. This committee considers matters concerning reciprocity of accreditation.
3. Quality Systems Committee. This committee develops and keeps current uniform standards for quality systems in testing operations. The elements of the quality system include organizational structure, responsibilities, procedures, processes and resources (e.g., facilities, staff, equipment) for implementing quality management in testing operations.
4. Proficiency Testing Committee. This committee develops standards for the proficiency testing samples, develops criteria for selection of the providers of the samples, and develops and updates protocols for the use of proficiency test samples and data in the accreditation of laboratories.
5. On-Site Assessment Committee. This committee generates procedures for the on-site assessments, and publishes standard check lists based on these procedures. This committee also establishes the frequency of inspection, and the minimum education, experience, and training requirements of the assessors.
6. Accreditation Process Committee. This committee generates and develops procedures for the administrative aspects of the accreditation process of environmental laboratories, for use by the accrediting authorities, including the requirements for accreditation, procedures for changes in accreditation status, roles and responsibilities of laboratories, and appeal processes.
7. Regulatory Coordination Committee. This committee provides the Standing Committees with current information on regulations and laws that impact laboratory testing and accreditation. The Regulatory Coordination Committee is also responsible for the development of model State legislation and regulations that reflect the findings and actions of NELAC.
8. Field Activities Committee. This committee develops and maintains uniform standards for field measurement and sampling, and coordinates the development of these standards with other standing committees.

SECTION 4 - SPECIAL COMMITTEES, TASK FORCES AND STUDY GROUPS

Special committees, task forces, and study groups may be established by the NELAC Chair as the need arises or as requested by NELAC. Participants shall be appointed for as long as deemed appropriate. Upon completion of their assigned tasks, such bodies shall be dissolved by the Chair of NELAC.

SECTION 5 - SUBCOMMITTEES

Upon request of any committee, the NELAC Chair may appoint a subcommittee(s) to assist that committee in fulfilling its responsibilities. The NELAC Chair may appoint Voting Members or Contributors in any combination, as the need arises or NELAC requests.

ARTICLE VII - VOTING SYSTEM

All questions before a meeting of NELAC that are to be decided by a formal recorded vote of the Voting Members are voted upon in accordance with the following voting structures and procedures.

SECTION 1 - HOUSE OF REPRESENTATIVES

A. Official Designation

This body of officials shall be known as the "House of Representatives".

B. Composition

1. Each State, Territory, Possession of the United States, and the District of Columbia, is authorized one official to serve as its representative in the House of Representatives at the NELAC Annual Meeting. The representative shall be named by the respective Governor or the Mayor for the District of Columbia, and shall remain as the named representative of that State, Territory, Possession of the United States, or the District of Columbia, until such time as the Governor or Mayor appoints someone else, or the individual is no longer an employee of the applicable governmental organization .
2. Each of the eight EPA Assistant/Associate Administrators (Office of Air and Radiation; Office of Enforcement and Compliance Assurance; Office of Policy, Planning and Evaluation; Office of Prevention, Pesticides, and Toxic Substances; Office of Regional Operations and State/Local Relations; Office of Research and Development; Office of Solid Waste and Emergency Response; and Office of Water) and each of the ten Regional Administrators, or his or her designee, may appoint one Voting Member.
3. Each cabinet level federal department (Department of Agriculture, Department of Commerce, Department of Defense, Department of Energy, Department of Interior, and Department of Health and Human Services) with environmental laboratory accreditation, certification or evaluation activities may appoint one official to the House of Representatives as determined by the Department Secretary.
4. The Nuclear Regulatory Commission may appoint one representative to the House of Representatives.
5. At the discretion of the respective Governor or Mayor, EPA Assistant/Associate Administrator, cabinet level federal department, or the Nuclear Regulatory Commission, an alternate to the House of Representatives may be named to serve when the principal is unable to attend a national meeting of NELAC. In the absence of the principal, the alternate shall be provided all of the rights and privileges of the principal in the House of Representatives, provided that he or she has met all other requirements for Voting Membership. If the respective Governor or Mayor, EPA Assistant/Associate Administrator,

cabinet level federal department, or the Nuclear Regulatory Commission has not appointed a representative to the House of Representatives then the Voting Members of that State, office, department or commission in the House of Delegates shall elect one of its Voting Members to vote in the House of Representatives.

C. Method of Designation

Prior to the NELAC Annual Meeting, the Executive Secretary shall certify to the Board of Directors the names of the Voting Members and their alternates in the House of Representatives.

SECTION 2 - HOUSE OF DELEGATES

A. Designation

All other environmental officials of the States, Territories, Possessions of the United States, the District of Columbia and the federal government (those not sitting in the House of Representatives) are grouped as a body known as the "House of Delegates".

B. Requirements

No other special requirements apply. The number of potential Voting Members is not limited.

SECTION 3 - VOTING RULES

A. Applicability

These rules apply only to the Annual Meetings of NELAC. However, only Voting Members are permitted to vote in committee or other meetings.

B. Quorum

A quorum of the House of Representatives is required for official voting. This quorum consists of representatives from fifty percent of the States, Territories and Possessions of the United States, and the District of Columbia, and fifty percent of federal representatives.

No quorum is required for a vote in the House of Delegates.

C. Voting

At the conclusion of debate on a motion, there shall be a call for the vote, and the vote on the motion shall be taken in accordance with the following method.

1. Minimum Votes

- a. House of Representatives. A majority of the eligible and present participating representatives must cast their votes in favor of an issue for the motion to be passed.
- b. House of Delegates. A majority of those eligible and present delegates must cast their votes in favor of an issue for the motion to be passed.

Note that any vote on amendments to the Constitution must be approved by a minimum of a two-thirds vote of the Voting Members in attendance at the voting session of the Annual Meeting in both the House of Representatives and the House of Delegates.

2. Motion Accepted

The motion is accepted if it passes in both Houses.

3. Disposition of Failed Motions

- a. If the original motion fails, or if an amended motion fails, the original or amended motion is returned to the proposing committee for further consideration.
- b. The Chair may consider a new motion on the same subject prior to returning the issue to committee, if the conditions regarding floor amendments (Article VII, Section 4 of the Bylaws) have been met.
- c. The proposing committee may drop the motion or reconsider it for submission the following year.

4. Proxy Votes

Proxy votes are not permitted. Since issues and recommendations in the Committees' interim reports are often modified and amended at the Annual Meeting, the attendance of officials at the NELAC Annual Meeting and voting sessions is vital.

5. Method of Indicating Vote

- a. Voting is by show of hands, standing vote or machine (electronic). There shall be no voice voting.
- b. Voting by both Houses is simultaneous.

6. Recording

- a. The Executive Secretary is responsible for the establishment of a means for recording the vote of NELAC on any matter, as well as providing a means for the certification of eligible voters at any time a vote is called.
- b. House of Representatives. The votes of the Representatives are recorded and published on a state-by-state or agency-by-agency basis.
- c. House of Delegates. The vote of the Delegates are recorded as the total number of votes, and are not tabulated on a state-by-state or agency-by-agency basis.

D. Committee Report Voting

The specific recommendations from each committee report shall be subject to the approval of the Voting Membership at the Annual Meeting as expressed by a vote on each individual recommendation.

Alternatives that may be used in voting on the reports are to vote on the entire report, to vote on grouped items or sections or to vote on individual items. A Voting Member with the support of 10 other Voting Members may request that the vote be on individual items.

SECTION 4 - FLOOR AMENDMENTS

A. Procedure

1. A Voting Member can offer an amendment from the floor to the motion under consideration.

2. A two-thirds majority favorable vote of each House on the amendment is required for passage.

B. Editorial Changes

Following completion of voting on a Committee's report, the Committee Chair may make a motion to extend editorial privileges to the Executive Secretary to make editorial changes in the final report.

SECTION 5 - SEATING

A. Arrangement

The seating arrangement for voting sessions is shown in Figure 1.

B. Supervision

The Board of Directors shall control placement and movement of delegates. The Executive Secretary shall count votes.

SECTION 6 - PROCEDURES

The NELAC officers and committees are to observe the principles of due process; specifically, to give reasonable advance notice of contemplated committee studies, items to be considered for committee action, and tentative or definite recommendations for NELAC action, and to provide that all interested parties have an opportunity to be heard by committees and by NELAC.

SECTION 7 - CHANGES IN ORGANIZATION AND PROCEDURE

Proposals for changes in organization or procedure of NELAC are not acted upon until the Annual Meeting of NELAC following the Annual Meeting at which such proposals are made.

FRONT OF ROOM

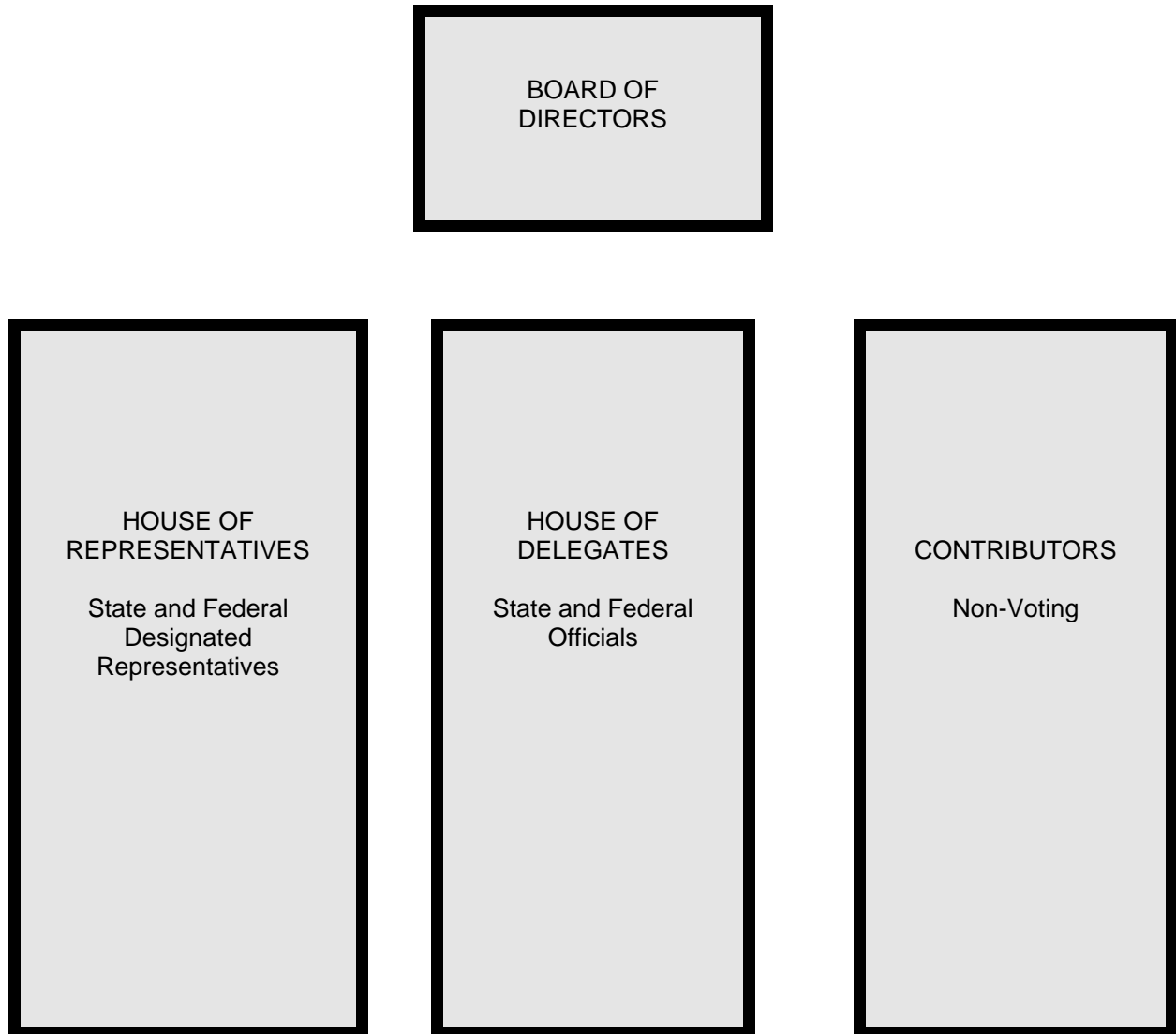


Figure 1. Seating Arrangement